

REMARKS

Claims 1-12 and 16-48 are pending. Claims 1, 4, 5, 7, 8, 9, 12, 16, 19, 24, 28, 31, 32, 33, 36, 37, 38, 39, 40, 41, 42 and 43 have been amended. Claims 44-48 are newly added. Reconsideration of the application is respectfully requested.

I. §102 Rejections

Claims 1-12 and 16-43 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication No. 2007/0033221 to Copperman et al. ("Copperman"). As is discussed hereafter, this rejection is respectfully traversed at least because Copperman is not prior art. Specifically, the claimed invention in the instant application was conceived of prior to the effective date of Copperman, and the claimed invention was diligently developed from such conception prior to the effective date of Copperman to a subsequent reduction to practice.

Applicant concurrently submits a Declaration of Prior Invention pursuant to 37 C.F.R. § 1.131 ("Declaration"). This Declaration includes factual evidence and assertions sufficient to show the claimed invention in the instant application was conceived of prior to the effective date of Copperman, and the claimed invention was diligently developed from such conception prior to the effective date of Copperman to a subsequent reduction to practice.

Copperman is a division of Application No. 10/610,994, filed on July 1, 2003, now Patent No. 7,401,087, which is a division of Application No. 09/594,083, filed on June 15, 2000, now Patent No. 6,711,585, which claims priority from provisional application 60/139,509, filed on June 15, 1999. Pursuant to MPEP 706.02, the effective filing date of Copperman is June 15, 1999.

MPEP 715.07 (III.) states that a declaration under 37 CFR 1.131 must be "sufficient to show ... (B) conception of the invention prior to the effective date of the reference coupled with due diligence from prior to the reference date to a subsequent (actual) reduction to practice." The Declaration submitted herewith is effective to prove conception of at least prior to Copperman's June 15, 1999 effective date. Specifically, the Declaration (in at least Exhibit A) identifies facts that prove conception on or before January 19, 1999, which antedates Copperman's June 15, 1999 effective date. Additionally, the Declaration submitted herewith is effective to prove diligence in developing the claimed invention to a subsequent reduction to practice on or before November 8, 2001. Specifically, the Declaration (and Exhibits A-Q) identifies facts that prove diligent action to reduce the claimed invention to practice, which was accomplished on or before November 8, 2001. Therefore, the Declaration is effective to antedate Copperman.

For at least these reasons, Copperman is not prior art with respect to the claims of the instant application. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §102(e) rejection of record as to claims 1-12 and 16-43.

II. Claim Amendments

Claims 1, 4, 5, 7, 8, 9, 12, 16, 19, 24, 28, 31, 32, 33, 36, 37, 38, 39, 40, 41, 42 and 43 have been amended to correct inconsistent language and to clarify various aspects of the respective claimed inventions. No new matter has been added.

It is respectfully submitted that the claims, as currently amended, whether or not the Declaration is considered effective to antedate Copperman, are in condition for allowance. Reconsideration of the amended claims is respectfully requested.

III. Newly Added Claims

Claims 44-48 have been added. No new matter has been added. Claims 44-48 depend from claim 36, and are in condition for allowance for at least the same reasons.

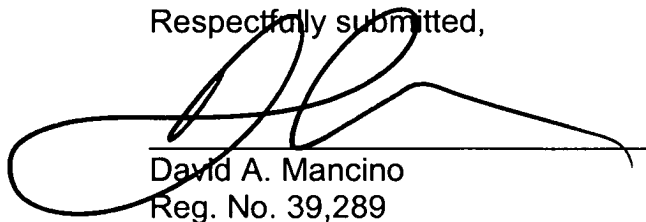
IV. Conclusion

In light of the foregoing, it is respectfully submitted that claims 1-12 and 16-48, now pending, are distinguishable from the references cited and in condition for allowance. Reconsideration and withdrawal of the rejections of record is respectfully requested.

The Commissioner for Patents is hereby authorized to charge any additional fees that may be required by this paper, or to credit any overpayment to Deposit Account 50-3072.

If the Examiner wishes to discuss any aspect of this response, please contact the undersigned at the telephone number provided below.

Respectfully submitted,



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